

STANDARD APPLICATION**Harford County
Board of Appeals**
Bel Air, Maryland 21014

NOV 28 2007

Case No. 5639Date Filed 11/16/07

Hearing Date _____

Receipt _____

Fee \$450.00*Shaded Areas for Office Use Only***Type of Application**

Nature of Request and Section(s) of Code _____

- ☐ Administrative Decision/Interpretation
☐ Special Exception
☐ Use Variance
☐ Change/Extension of Non-Conforming Use
☐ Minor Area Variance
☐ Area Variance
☒ Variance from Requirements of the Code
☐ Zoning Map/Drafting Correction

CASE 5639 MAP 17 TYPE VarianceELECTION DISTRICT 05 LOCATION 3505 Miller Road, Street 21154BY 3611 Miller Road, Bel Air 21014Appealed because a variance pursuant to Section 267-34D(3)(e) of the HarfordCounty Code to permit a building lot less than the required 2 acres in the AG Districtrequires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)Name W. David & Marilyn C. Thompson Phone Number Call attorneyAddress 3611 Miller Road, Bel Air, MD 21014
*Street Number Street City State Zip Code*Co-Applicant N/A Phone Number _____Address _____
*Street Number Street City State Zip Code*Contract Purchaser N/A Phone Number _____Address _____
*Street Number Street City State Zip Code*Attorney/Representative Robert S. Lynch, Esquire Phone Number (410) 879-2222Address Stark and Keenan, P.A., 30 Office Street, Bel Air, MD 21014
Street Number Street City State Zip Code

Land Description

Address and Location of Property 3505 Miller Road, Street, MD 21154; North side of Miller Road
just east of the intersection of Miller Road and Grier Nursery Road.

Subdivision N/A Lot Number N/A

Acreage/Lot Size 6.601 acres Election District 5th Zoning AG

Tax Map No. 17 Grid No. 4E Parcel 67 Water/Sewer: Private X Public

List ALL structures on property and current use: No structures - lot is vacant.

Estimated time required to present case:

If this Appeal is in reference to a Building Permit, state number

Would approval of this petition violate the covenants and restrictions for your property? No.

Is this property located within the County's Chesapeake Bay Critical Area? Yes No X

If so, what is the Critical Area Land Use designations:

Is this request the result of a zoning enforcement investigation? Yes No X

Is this request within one (1) mile of any incorporated town limits? Yes No X

Request

See attached.

Justification

See attached.

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

ADDENDUM TO HARFORD COUNTY STANDARD APPLICATION

Requests for Variances from Requirements of the Code

W. David and Marilyn C. Thompson

REQUEST

Applicants seeks a variance from Section 267-34D(3)(e) (2.00 acre per residential lot in AG District) of the Harford County Development Regulations.

JUSTIFICATION

Parcel 67 consists of 6.60 acres and is bisected by Miller Road. This results in two (2) separate tracts: the first consisting of 1.529 acres on the north side of Miller Road; and the other tract comprising of 5.071 acres on the south side of Miller Road. The 5.071 acre tract is immediately adjacent to the Applicant's nursery operation (i.e., Foxborough Nursery) which is located in an Agricultural Preservation District. This farm consists of 194 acres. The Applicant, if successful in securing the variance, intends to incorporate the 5.07 acres into the nursery operation and the Agricultural Preservation District. The variance for the 1.529 acres is to seek a building lot less than the required two (2) acres in the AG District.

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of the Code would result in practical difficulty or unreasonable hardship; and
- (2) The variance will not be substantially detrimental to adjacent properties, or will not materially impair the purpose of this Code or the public interest.

NURSERY ROAD

LANDS
GEORG
BOSLEY
HDC TTE
ZONING

MgC

EX LANDS OF 100'
WELL DANIEL F.
EVERETT, et ux
HDC 1039/1
ZONING: AG

5

1.529 AC ±
3505 MILLER ROAD

PROPOSED
HOUSE

SETBACK
LINE

PROP.
WELL

BUILDING
SETBACK
LINE

OTHER LANDS OF
W. DAVID
THOMPSON, et ux
JJR 7056/572
ZONING: AG

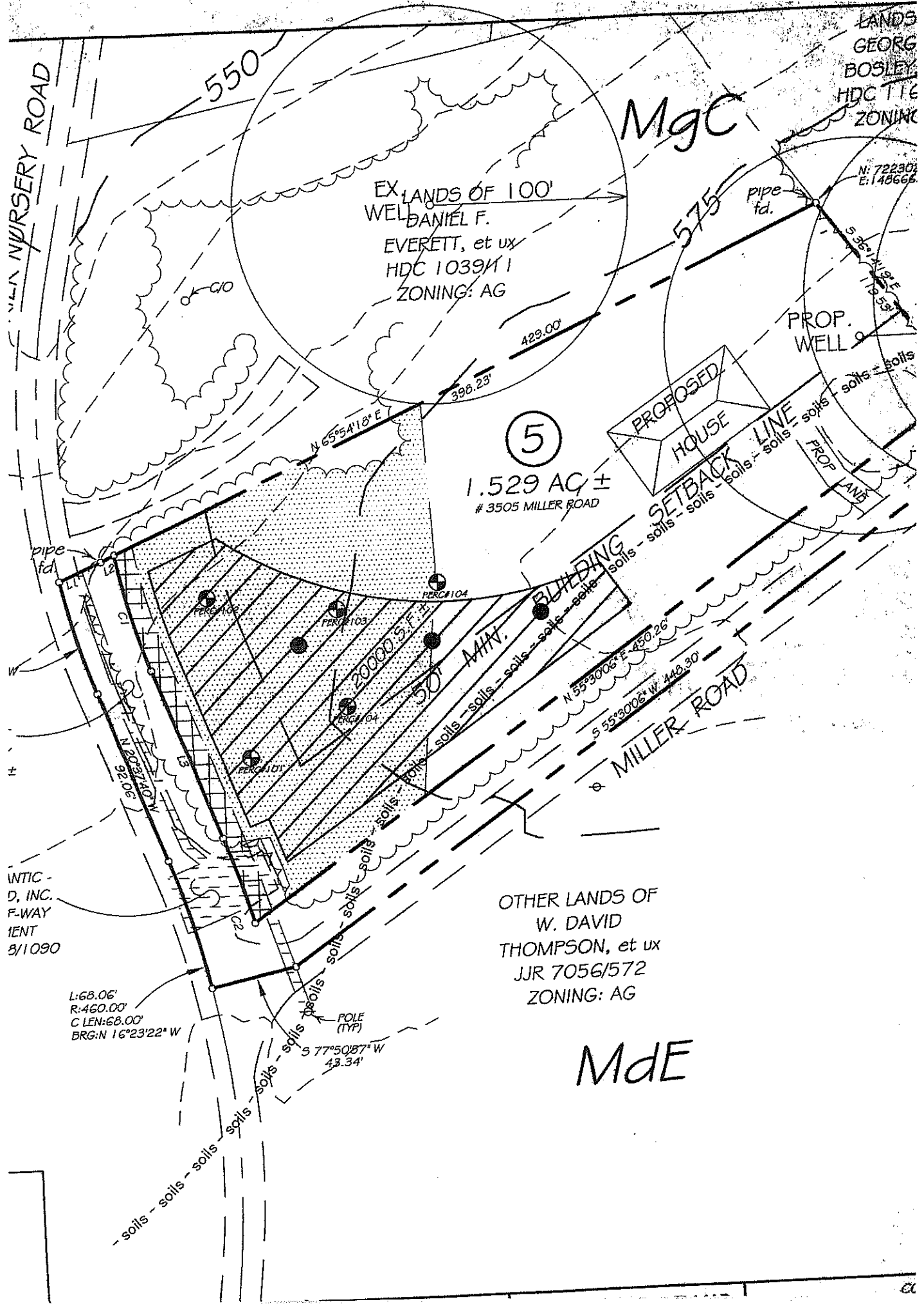
MdE

WTIC -
D, INC.
F-WAY
MENT
8/1090

L: 68.06'
R: 460.00'
C LEN: 68.00'
BRG: N 16°23'22" W

POLE
(TYP)

S 77°50'87" W
43.34'



DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

December 20, 2007

STAFF REPORT

BOARD OF APPEALS CASE NO. 5639

APPLICANT/OWNER: W. David Thompson
3611 Miller Road, Street, Maryland 21154

Co-APPLICANT: Marilyn C. Thompson
3611 Miller Road, Street, Maryland 21154

REPRESENTATIVE: Robert S. Lynch, Esquire
Stark and Keenan, P.A.
30 Office Street, Bel Air, Maryland 21014

LOCATION: 3505 Miller Road
Tax Map: 17 / Grid: 4E / Parcel: 67
Election District: Five (5)

ACREAGE: 6.60 acres

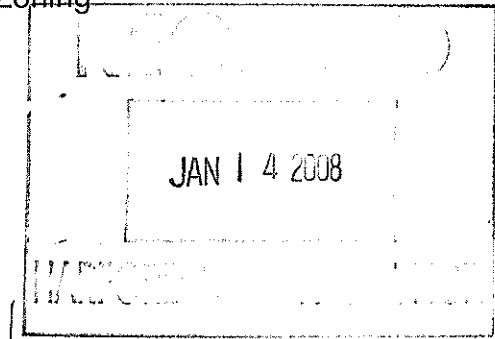
ZONING: AG/Agricultural

DATE FILED: November, 16, 2007

HEARING DATE: January 23, 2008

APPLICANT'S REQUEST and JUSTIFICATION:

See Attachment 1.



Preserving Harford's past; promoting Harford's future

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410.638.3000 • 410.879.2000 • TTY 410.638.3086 • www.harfordcountymd.gov

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST.

STAFF REPORT

Board of Appeals Case Number 5639

W. David & Marilyn Thompson

Page 2 of 4

CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-34D(3)(e) of the Harford County Code to permit a building lot less than the required 2 acres in the Agricultural District.

Section 267-34D(3)(e) of the Harford County Code reads:

- (e) *Any new lot created pursuant to Subsection D(2)(a) through (d) above shall be a minimum of two acres unless the lot is located in an Agricultural Preservation District established pursuant to Section 2-501 et seq. of the Agriculture Article of the Annotated Code of Maryland, then the lot size shall be that as approved by the state. In the event that the primary parcel is removed from the district, the owner shall submit a revised subdivision plan, establishing a minimum lot size of two acres. At such time, the owner or his successors in title shall prepare and record the necessary deeds for the two acre conveyance and shall notify, in writing the Department of Planning and Zoning of the conveyance.*

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The subject property is located on the northeast corner of the intersection of Miller Road and Grier Nursery Road. A location map and a copy of the Applicants' site plan are enclosed with the report (Attachments 2 and 3).

The subject property is located outside of the Development Envelope. The predominant land use designation in this area of the County is Agricultural. The Natural Features Map reflects Stream Systems, Sensitive Species Project Review Areas, Deer Creek Scenic River District, Rural Legacy Area, and Agricultural Preservation Districts and Easements. The subject property is designated as Agricultural which is defined by the 2004 Land Use Plan as:

Agricultural – Areas where agriculture is the primary land use, but where development rights are available. Residential development is possible at a density of 1.0 dwelling unit for every 10 acres. Commercial uses within this area are intended to serve the agricultural industry or residents of the area while maintaining the character of the surrounding countryside.

Enclosed with the report are copies of the Whiteford-Cardiff-Pylesville-Street Community Area Map and the Natural Features Map (Attachments 4 and 5).

Land Use – Existing:

The existing land uses generally conform to the intent of the Master Plan. The area contains a mixture of farms, large agricultural lots, and single-family residential subdivisions. There are

STAFF REPORT

Board of Appeals Case Number 5639

W. David & Marilyn Thompson

Page 3 of 4

several farms within the area that have been placed in Agricultural Preservation Easements and Districts; including the adjacent farm owned by the Applicants. There are single-family residential dwellings located on lots that abut the subject property to the north and east. There are also single-family residential dwellings located on the lots on the west side of Grier Nursery Road. The Applicants' farm abuts the subject parcel to the south.

The topography of the area ranges from rolling to steep especially along the stream valleys. The subject property is gently sloping from the east to the west. The portion of the subject property on the north side of Miller Road is heavily wooded. The portion of the subject property on the south side of Miller Road is a mix of cropland and woods. Enclosed with the report is a copy of the aerial photograph and topography map (Attachments 6 and 7).

The subject property contains approximately 6.60+/- acres, is irregularly shaped and is bisected by Miller Road. The subject property was created prior to February 8, 1977 and carries one development right. Enclosed with the report are site photographs (Attachments 8).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. The predominant zoning classification in this area is AG/Agricultural District. The subject property is zoned AG/Agricultural District as shown on the enclosed copy of the Zoning Map (Attachment 9).

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-34D(3)(e) of the Harford County Code to permit a building lot less than the required 2 acres in the Agricultural District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Applicants are proposing to subdivide Parcel 67 and create a buildable lot of 1.529+/- acres on the north side of Miller Road using the one available development right. The remaining 5.071+/- acres on the south side of Miller Road would be required to be consolidated with adjacent Parcel 98 since the one available development right will be utilized to create the proposed lot. The 5.071 acres has been actively farmed and is more appropriate for agricultural use as it is contiguous to the Applicants' existing farm located on Parcel 98.

The 1.529+/- acres is not suitable for farming or use in the Applicants' nursery operation. The size, location and configuration of this portion of Parcel 67 make it more suitable for residential

STAFF REPORT

Board of Appeals Case Number 5639

W. David & Marilyn Thompson

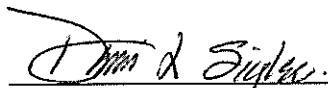
Page 4 of 4

development. The proposed lot will be larger than the adjacent lots that abut the subject property to the north and east. The Department finds that the subject property is unique. The requested variance is minor in nature and will not adversely impact the adjacent properties or the intent of the Code.

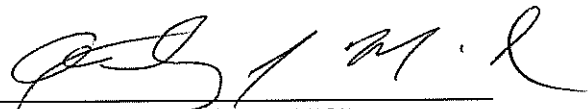
RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the requested variance be approved subject to the following conditions:

1. The Applicant shall submit a preliminary plan to the Department for review and approval.
2. The Applicant shall prepare a record plat to be approved by the County and recorded in the Harford County Land Records.
3. The remainder of Parcel 67 shall be consolidated with Parcel 98. The deed consolidating the properties shall be recorded simultaneously with the plat of the proposed lot.



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/jf